

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5577-257

DATE: July 9, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Daniel L. Krissell

Entitled: **METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CONTROLLING DATA TRANSFER FOR DATA REPLICATION OR BACKUP BASED ON SYSTEM AND/OR NETWORK RESOURCE INFORMATION**

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ **20** pages of Specification (including **19** claims)
3. ☒ **8** sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

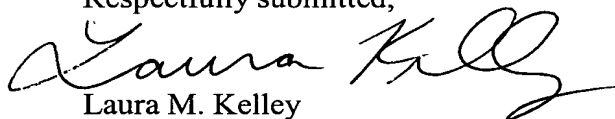
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 18 references cited
11. ☐ Preliminary Amendment (***Please enter all claim amendments prior to calculating the filing fee.***)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

| | Column 1 No. Filed | Column 2 No. Extra | Small Entity Rate Fee | Large Entity Rate Fee |
|---|-----------------------|-----------------------|--------------------------|--------------------------|
| BASIC FEE | | | \$375.00 | \$ 750.00 |
| TOTAL CLAIMS | 19 - 20 = | 0 | x 09 = \$ | x 18 = \$ |
| INDEP CLAIMS | 3 - 3 = | 0 | x 42 = \$ | x 84 = \$ |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 140 = \$ | + 280 = \$ |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> | | | Total \$ | Total \$ 750.00 |

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$790.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☒ Please charge IBM Deposit Account No. 09-0461 in the amount of \$790.00.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 09-0461:
 - a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Laura M. Kelley

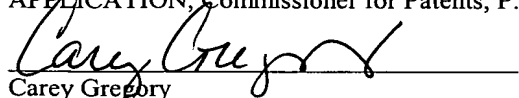
Registration No. 48,441

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 353610024 US

Date of Deposit: July 9, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Carey Gregory